

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

AUDRA LAWSON,

Plaintiff,

v.

Case No: 8:22-cv-346-CEH-TGW

SMILE DESIGN DENTISTRY ST.  
PETE, LLC,

Defendant.

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**ORDER**

This matter is before the Court *sua sponte*. On February 10, 2022, the Court entered an Order dismissing Plaintiff's Complaint, without prejudice, as a shotgun pleading and granting Plaintiff leave to file an amended complaint. Doc. 7. Plaintiff was granted until March 3, 2022 to file an amended complaint. To date, Plaintiff has not filed an Amended Complaint, nor sought an extension of time to do so. Accordingly, this action is due to be dismissed without prejudice.

**DISCUSSION**

A district court may dismiss a plaintiff's claims pursuant to Rule 41(b) or the court's inherent authority to manage its docket. *Betty K Agencies, Ltd. v. M/V MONADA*, 432 F.3d 1333, 1337 (11th Cir. 2005). Under Rule 41(b), "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss this action or any claim against it." Fed. R. Civ. P. 41(b). The Eleventh Circuit has recognized that a district court may dismiss an action *sua sponte* for the

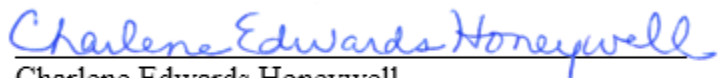
plaintiff's failure to prosecute her case or obey a court order under Rule 41(b). *Betty K Agencies, Ltd.*, 432 F.3d at 1337.

This case was initiated in state court by Plaintiff, through counsel, in December 2021. Doc. 1-2. Defendant, Smile Dentistry St. Pete LLC, removed the action to this Court on February 10, 2022. Doc. 1. On the same date, the Court issued an Order dismissing Plaintiff's Complaint as a shotgun pleading. Doc. 7. The Complaint was dismissed without prejudice and Plaintiff was granted leave to file an Amended Complaint within twenty-one days. The Plaintiff's Amended Complaint was due by March 3, 2022. The deadline for filing the Amended Complaint has passed and Plaintiff has not sought an extension of time, nor has she filed an Amended Complaint. Because Plaintiff has failed to timely file an Amended Complaint, despite being given the opportunity to do so, this action is due to be dismissed without prejudice. Accordingly, it is

**ORDERED:**

1. This action is **DISMISSED without prejudice**.
2. The Clerk is directed to terminate any pending motions and deadlines and **CLOSE** this case.

**DONE** and **ORDERED** in Tampa, Florida on March 15, 2022.

  
Charlene Edwards Honeywell  
United States District Judge

Copies furnished to: Counsel of Record and Unrepresented parties, if any